

U.S. DISTRICT COURT
W.D.N.Y. BUFFALO

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

2005 JUN 21 AM 11:13

ABDUL SHARIFF, 90-A-2895,

Plaintiff,

05-CV-6025CJS(Fe)

-v-

MEMORANDUM and ORDER

THOMAS POOLE, Superintendent of
Five Points Correctional Facility,
DAVID NAPOLI, Deputy Superintendent of
Security,
BRIAN McCAULEY, Lieutenant of Five
Points Correctional Facility,
PETER FICCHI, Lieutenant of Five
Points Correctional Facility,
FRANK ROSSBACH, Correctional Officer at
Five Points Correctional Facility,
MICHAEL O'HARA, Correctional Officer at
Five Points Correctional Facility,
LUCIEN LEROUX, Correctional Officer at
Five Points Correctional Facility, and
TRACY AULT, Correctional Officer at
Five Points Correctional Facility,

Defendants.

Plaintiff, who is incarcerated in the Five Points Correctional Facility, has requested permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) and has both met the statutory requirements and furnished the Court with a signed Authorization. Accordingly, plaintiff's request to proceed as a poor person is hereby granted. In addition, plaintiff's complaint has been screened by the Court with respect to the 28 U.S.C. §§ 1915(e) and 1915A criteria. The complaint is sufficient to survive this initial review.

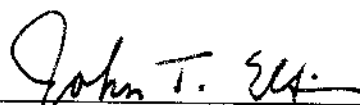
Plaintiff's motion for appointment of counsel is denied without prejudice at this time. Because the complaint has not yet been served and no answering papers have been filed, there is insufficient information before the Court at this time to make the necessary assessment of plaintiff's claims under the standards promulgated by Hendricks v. Coughlin, 114 F.3d 390, 392 (2d Cir. 1997), and Hodge v. Police Officers, 802 F.2d 58 (2d Cir. 1986).

The Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Complaint, and this Order upon the named defendants without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the complaint.

SO ORDERED.

DATED: Buffalo, New York
June 20, 2005



JOHN T. ELFVIN
UNITED STATES DISTRICT JUDGE